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PTO/SB/01A (10-00).

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### DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention      FUEL CELL SYSTEM

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or  
☒ Application No. 10/620,844, filed on July 14, 2003,  
☐ as amended on \_\_\_\_\_ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

#### FULL NAME OF INVENTOR(S)

Inventor one:      Wolfgang Zinser      Citizen of:      Germany

Signature:      *W. Zinser*      Date:      2003-11-17

Inventor two:      Markus Aberle      Citizen of:      Germany

Signature:      *Markus Aberle*      Date:      2003-11-03

Inventor three:      \_\_\_\_\_      Citizen of:      \_\_\_\_\_

Signature:      \_\_\_\_\_      Date:      \_\_\_\_\_

Inventor four:      \_\_\_\_\_      Citizen of:      \_\_\_\_\_

Signature:      \_\_\_\_\_      Date:      \_\_\_\_\_

☐ Additional inventors are being named on \_\_\_\_\_ additional form(s) attached hereto.

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Docket No. 130309.419 417502\_1

Please type a plus sign (+) inside this box → +

EXPRESS MAIL NO. EV336616490US

PTO/SB/81 (10-00)

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# **SELECTION AND POWER OF ATTORNEY OR AUTHORIZATION OF AGENT**

<b>Applicati n Number</b>	10/620,844
<b>Filing Date</b>	July 14, 2003
<b>First Named Inventor</b>	Wolfgang Zinser
<b>Group Art Unit</b>	
<b>Examiner Name</b>	
<b>Attorney Docket Number</b>	130309.419

I hereby appoint:

☒ Practitioners at Customer Number  →

OR

☐ Practitioner(s) named below:

**\*00500\***  
**00500**

PATENT TRADEMARK OFFICE

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number.

OR

<input type="checkbox"/> Firm or Individual Name					
Address					
Address					
City		State		ZIP	
Country					
Telephone		Fax			

I am the:

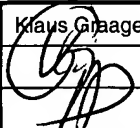
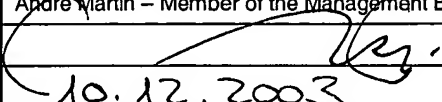
☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.

*Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).*

☒ As assignee of record of the entire interest hereby elect, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventor

## **SIGNATURE of Applicant or Assignee of Record**

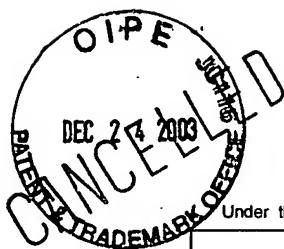
Name	Klaus Graage – Member of the Management Board
Signature	
Date	10.12.2003
Name	Andre Martin – Member of the Management Board
Signature	
Date	10.12.2003

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of 1 forms are submitted.

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PTO/SB/96 (08-00)

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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: W Ifgang Zinser et al.

Application No./Patent No.: 10/620,844 Filed/Issue Date: July 14, 2003

Entitled: FUEL CELL SYSTEM

Ballard Power Systems AG

(Name of Assignee)

a

corporation

(Type of Assignee, e.g., corporation, partnership,  
university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or  
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above.  
The assignment was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the  
current assignee as shown below:

1. From:

To:

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be  
submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records  
of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

10.12.2003

Date

Klaus Graage

Typed or printed name

Signature

Member of the Management Board

Title

10.12.2003

Date

André Martin

Typed or printed name

Signature

Member of the Management Board

Title

## ASSIGNMENT

WHEREAS, we, Wolfgang Zinser and Markus Aberle (hereinafter referred to as ASSIGNORS), having mailing addresses of Erkenbergstrasse 10, Kirchheim/Teck, Germany 73230, and Kelterstrasse 19, Dettingen, Germany 73265, respectively, are the joint inventors of an invention entitled "FUEL CELL SYSTEM," as described and claimed in the specification for which an application for United States letters patent was filed on July 14, 2003, and assigned Application No. 10/620,844; this application claiming priority to German Application No. 10231699.6, filed on July 13, 2002;

WHEREAS, Ballard Power Systems AG (hereinafter referred to as ASSIGNEE), a German corporation having a place of business at Neue Strasse 95, Kirchheim-Nabern, Germany 73230, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby assign, transfer, and convey unto said ASSIGNEE the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNORS had this assignment, transfer and sale not been made. ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNORS agree to execute all instruments and documents required for the making and prosecution of applications

for United States and foreign letters patent on said invention, for litigation regarding letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

06.12.2003  
Date

Zinser  
Wolfgang Zinser

08.12.2003  
Date

Markus Aberle  
Markus Aberle

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(130309.419)